

AMENDMENTS TO THE DRAWINGS

The Office Action objected to the drawings because Figures 8 and 9 as received from WIPO included words in German. Along with this Amendment, Applicant submits amended drawing sheets in which the German word “Ansicht” has been amended to recite the English word “View”. Applicant respectfully requests that the Examiner withdraw the objection.

The Office Action also objected to the drawings under 37 C.F.R. 1.83(a) indicating that the drawings must show every feature of the invention specified in the claims. Applicant respectfully traverses the objection. As will be explained further below in the “Remarks,” every feature of the invention specified in the claims, as amended, is shown in the original drawings.

REMARKS

Claims 29, 31-35 and 37-62 are pending. Claims 35 and 37-62 stand withdrawn from consideration. By this Amendment, no claims are cancelled, claims 29, 31-33 and 43 are amended and no new claims are added.

Information Disclosure Statement

The Office Action objected to the information disclosure statement filed October 11, 2005 for failure to include a legible copy of each cited foreign patent document. Specifically, the Office Action indicated that a copy of the reference JP 04077703 was not supplied. Along with this Amendment, Applicant submits a legible copy of JP 04077703. Applicant respectfully requests that the Examiner consider the reference and mark the reference as considered.

The Office Action further objected to the information disclosure statement, which indicated in the body of the IDS that U.S. 6,989,367 B2 was the English language equivalent to EP 1164403 A1 and that U.S. 6,989,367 B2 was not related to EP 1164403 A1. Through a typographical error the English language equivalent of EP 1164403 A1 was misidentified and should have been listed as U.S. 6,898,367 B2, which is listed in the Form 1449 filed October 11, 2005. U.S. Patent No. 6,898,367 B2 is an English language counterpart to EP 1164403 A1 and should suffice to provide the concise statement of relevance for EP 1164403 A1. Applicant respectfully requests that the Examiner withdraw the objections and mark the references as considered.

Drawings

The Office Action objected to the drawings because Figures 8 and 9 as received from WIPO included words in German. Along with this Amendment, Applicant submits amended drawing sheets in which the German word “Ansicht” has been amended to recite the English word “View”. Applicant respectfully requests that the Examiner withdraw the objection.

The Office Action also objected to the drawings under 37 C.F.R. 1.83(a) indicating that the drawings must show every feature of the invention specified in the claims. Applicant respectfully traverses the objection. As will be explained further below, every feature of the invention specified in the claims is shown in the original drawings.

The Office Action indicated that “first imaging optics imaging the emitting surface in a field aperture and second imaging optics imaging the field aperture in a lens plane” in claim 29 and the limitations of claims 33 and 34 must be shown in the drawings or the features canceled from the claims.

By this Amendment, Applicant has amended claim 29 to replace the term “lens plane” with the term “object plane”. The claim term “lens plane” arose in the translation of the application from German to English. The German word “objekt ebene” was translated as “lens plane”. Consultation with our German associates led to the understanding that “objekt ebene” should have been more accurately translated as “object plane.” As such, claim 29 has been amended to recite the term “object plane” where it previously recited “lens plane”. Applicant respectfully submits that this change should clarify the issue of concern with the drawings.

Referring now to the original drawings, and the language of claim 29, as amended, the “emitting surface” in claim 29 is depicted in at least Figs. 1 and 2 annotated with Reference Numeral 9.

The “field aperture” of claim 29 is depicted in Figures 1-3 annotated with Reference Numeral 11. The referenced “field aperture” is depicted as field aperture 11, which is located in field aperture plane 10 as is described in paragraph 0064 in the application as published. The emitting surface recited in claim 29 (emitting surface 9) is to be understood as the location of light output from homogenization unit 5. The second optical component 6, images the illuminated emitting surface 9 in field aperture plane 10, as shown in Figs. 1-3 and described in paragraph 0063. Therefore, the purpose of the first imaging optics as recited in claim 29, is the same as the function of second optical component 6 as depicted in Figures 1-3. The “first imaging optics” recited in claim 29 should not be confused with first optical component 4. The function of first optical component 4 is also described in paragraph 0063.

“Second imaging optics,” as recited in claim 29 includes illumination tube lens 15 and objective lens 21 as depicted in Figures 1-3. The recited “second imaging optics” images the field aperture plane 10 in an “object plane” depicted in Figures 1-3 and identified with Reference Numeral 20. The “object plane” is occupied by sample 20 as depicted in the drawings. “Second imaging optics” as recited in claim 29, should not be confused with the second optical component 6. Therefore, all the structures in the objected to language of claim 29 are depicted in the drawings and no amendment to the drawings should be necessary. Applicant respectfully requests that the Examiner withdraw the objection.

The features recited in claim 33 are also present in the drawings. “Receiving surface” as recited in claim 33, is identified in the drawings by Reference Numeral 8 and identified in the specification as receiving surface 8. The “emitting surface” as recited in claim 33, is depicted in the drawings as emitting surface 9, discussed above. The “homogenization unit” as recited in claim 33 is depicted in the drawings as homogenization unit 5. The “microlens structure” recited in claim 33, is depicted at least in the example embodiment of Figure 3 and described in paragraph 0080 of the application as published. The “microlens structure” is annotated with Reference Numeral 27.

With regard to the features described in claim 33, the microlens structure as indicated above, are depicted in at least Figure 3 and annotated with Reference Numerals 27 and 28. These structures are described in paragraph 80 of the application as published.

Therefore, all of the features of claims 29, 33 and 34 are depicted in the drawings presently of record in the application file. Applicant respectfully requests that the Examiner withdraw the objection.

Specification

The Office Action objected to the abstract of the disclosure indicating that the word “includes” in the first line should be changed to “including”. By this Amendment, Applicant has amended the abstract as requested by the Examiner and requests that the Examiner withdraw the objection.

Claim Objections

The Office Action objected to claims 31-34 as being dependent from a canceled claim. By this Amendment, Applicant has amended claims 31-34 to depend from claim 29. Applicant respectfully requests that the Examiner withdraw the objection.

Claim Rejections – 35 U.S.C. § 112

The Office Action rejected claim 29 under 35 U.S.C. § 112 as being indefinite. The Office Action further indicated that the term “lens plane” did not have a clear meaning. As has been explained above, the term “lens plane” was introduced in the application based on a translation from the German language in which the application was originally filed. The German term “objektebene” should be more accurately translated as “object plane”. As such, the object plane is the plane in which a sample is located on the microscope in the example embodiments depicted in Figures 1-3. Applicant has amended claim 29 to recite the term “object plane” where it previously recited “lens plane”. Therefore, Applicant respectfully submits that claim 29 now complies with the requirements of Section 112. Claims 31-35 and claims 37-62 depend directly or indirectly from claim 29 and should be patentable for at least the same reasons as claim 29. . Applicant respectfully requests that the Examiner withdraw the rejection.

Withdrawn claims 35 and 37-62 are dependent from a patentable base claim. Applicants respectfully request that the withdrawn claims be rejoined allowed as well.

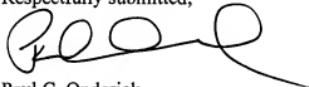
Response to Arguments

The Office Action indicates that Applicant's arguments filed February 4, 2009 were considered but were not found to be persuasive. Applicant thanks the Examiner for the further explanation of the confusion over the term "lens plane", which has allowed Applicant to fully understand the Examiner's concern and to provide the Amendments and explanation herein. Applicant believes that the Amendments and explanations included herein should fully resolve the issues raised. As such, Applicant respectfully requests that the Examiner withdraw the rejections.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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